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Attorneys for Plaintiffs

Rosa Galindo; Maria Galindo

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ROSA GALINDO, MARIA GALINDO,

Plaintiffs,

vs.

Financo Financial, Inc.; Patrick Patchin;
Ahmed Yama Asefi, Aaroon Sadat and
Nazia Nawabzada; Countrywide Bank,
N.A.; Countrywide Financial Corp.;
Homecomings Financial Network;
Commonwealth Land Title Company;
Joseph Esquivel, Pamela Spikes, and
Does 1-100,

Defendants.

Case No. C07-03991

JOINT RULE 26(f) REPORT

1 Plaintiffs Rosa Galindo and Maria Galindo (“Plaintiffs”) and Defendants
 2 Countrywide Bank N.A., Countrywide Financial Corp. and Nazia Nawabzada (the
 3 “Countrywide defendants”) submit this Joint Rule 26(f) Report.

4 **I. INFORMATION REQUESTED PURSUANT TO F.R.C.P. 26(f)**

5 A. Initial Disclosures [F.R.C.P. Rule 26(f)(1)]

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 7 The Parties do not believe that any changes should be made in the timing,
 8 form, or requirement for disclosures under Rule 26(a). The Parties will make the
 9 disclosures required by Rule 26(a)(1) on or before October 31, 2007.

10 B. Discovery [F.R.C.P. Rule 26(f)(2)]

11 1. Plaintiffs believe that discovery will need to be taken with regard
 12 to the following topics, among others:

- 13 a. Facts, circumstances and evidence regarding defendants
 14 Financo, Patrick Patchin, Ahmed Yama Asefi, Aaroon Sadat
 15 and Commonwealth Land Title Company's breach of
 16 fiduciary duty to plaintiffs.
- 17 b. Facts, circumstances and evidence regarding defendants
 18 Financo, Patrick Patchin, Ahmed Yama Asefi, Aaroon
 19 Sadat, Countrywide Bank, N.A., Countrywide Financial
 20 Corp., Homecomings Financial Network and
 21 Commonwealth Land Title Company's negligence towards
 22 plaintiffs.
- 23 c. Facts, circumstances and evidence regarding defendants
 24 Financo, Countrywide Bank, N.A., Countrywide Financial
 25 Corp., and Homecomings Financial Network's violation of
 26 the Truth in Lending Act.
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- 1 d. Facts, circumstances and evidence regarding defendants
2 Financo, Countrywide Bank, N.A., Countrywide Financial
3 Corp., and Homecomings Financial Network's violation of
4 the Real Estate Settlement Procedures Act.
- 5 e. Facts, circumstances and evidence regarding defendant
6 Patrick Patchin's intentional misrepresentations, negligent
7 misrepresentations and concealment, and the intentional or
8 negligent misrepresentations of defendants Countrywide
9 Bank, N.A. and Countrywide Financial Corp.
- 10 f. Facts, circumstances and evidence regarding breach of the
11 implied covenant of good faith and fair dealing by
12 defendants Financo, Patrick Patchin, Ahmed Yama Asefi,
13 and Aaroon Sadat.
- 14 g. Facts, circumstances and evidence regarding violation of the
15 California Legal Remedies Act by defendants Financo,
16 Patrick Patchin, Ahmed Yama Asefi, Aaroon Sadat,
17 Countrywide Bank, N.A., Countrywide Financial Corp.,
18 Homecomings Financial Network and Commonwealth Land
19 Title Company.
- 20 h. Facts, circumstances and evidence regarding the negligence
21 of notaries Esquivel and Spikes.
- 22 i. Facts, circumstances and evidence regarding defendant
23 Commonwealth Land Title Company's breach of its contract
24 with plaintiffs.
- 25 j. Facts, circumstances and evidence regarding a civil
26 conspiracy amongst all defendants.
- 27
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- k. Facts, circumstances and evidence regarding breach of the implied covenant of good faith and fair dealing by defendants Financo, Patrick Patchin, Ahmed Yama Asefi, and Aaroon Sadat.
- l. Facts, circumstances and evidence regarding the failure of defendants Financo, Patrick Patchin, Ahmed Yama Asefi, and Aaroon Sadat to provide Spanish language disclosures.
- m. Facts, circumstances and evidence regarding the targeting of plaintiffs due to their race, ethnicity and/or national origin by defendants Financo, Patrick Patchin, Ahmed Yama Asefi, and Aaroon Sadat.
- n. Facts, circumstances and evidence regarding the failure of defendants Countrywide Bank, N.A., Countrywide Financial Corp. and Homecomings Financial Network to provide to plaintiffs a copy of the Federal Reserve Board's "Consumer Handbook on Adjustable Rate Mortgages."
- o. Facts, circumstances and evidence regarding the various unfair business acts plaintiffs have complained of.

- 2. The Countrywide defendants believe that discovery will need to be taken with regard to the following topics, among others:
 - a. Facts and circumstances surrounding the brokering of the loan agreement at issue;
 - b. Facts, circumstances and evidence surrounding the alleged failure by Countrywide to provide required notices and disclosures;

- c. Facts, circumstances and evidence concerning the basis for Plaintiff's legal positions;
 - d. Facts, circumstances and evidence regarding Plaintiff's claimed damages and right to remedies requested;
 - e. Facts, circumstances and evidence regarding dates and circumstances in which each Plaintiff used the property at issue as their primary residence;
 - f. Facts, circumstances and evidence regarding any negotiations for the issuance of the loan at issue which were allegedly conducted in Spanish.
 - g. Facts, circumstances and evidence regarding allegations that the Countrywide defendants altered Plaintiffs' stated income in the process of approving the loan at issue.
 - h. Facts, circumstances and evidence supporting Plaintiffs' contentions that the Countrywide defendants paid kickbacks to plaintiffs' brokers for services not reasonably related to the services performed.
 - i. Facts, circumstances and evidence supporting Plaintiffs' contentions that the Countrywide defendants targeted plaintiffs due to their race and/or ethnicity and/or national origin.
 - j. Facts, circumstances and evidence regarding the Countrywide defendants' defenses in this action.
3. The parties have agreed on the following proposed discovery dates.
- | | | |
|----|---------------------------|-----------------|
| a. | Factual discovery cut-off | July 30, 2008 |
| b. | Expert discovery cut-off | August 30, 2008 |

c. Dispositive motions heard by October 30, 2008

d. Trial (if necessary) After January 1, 2009

4. The parties do not believe that discovery should be conducted in phases or limited to or focused upon particular issues.

C. Electronic Discovery [F.R.C.P. Rule 26(f)(3)]

It is the position of plaintiffs that the manner of production of electronic documents should be addressed in the context of each electronic document.

Plaintiffs retain all rights regarding electronic documents afforded them under the Federal Rules of Civil Procedure, including Rule 34.

It is the position of defendants Countrywide Bank, N.A. and Countrywide Financial Corp. that electronic discovery will be an issue in this case. Each Party has agreed that production of the electronic documents relevant to the subject transactions in hard copy shall be an adequate production.

D. Issues Relating to Claims of Privilege or Protection as Trial-Preparation Material [F.R.C.P. Rule 26(f)(4)]

None at this time.

E. Changes in Limitations on Discovery [F.R.C.P. Rule 26(f)(5)]

The Parties do not believe that any changes should be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure or by local rule, or that any other limitations should be imposed at this time. The Parties reserve the right to revisit this issue at a later date.

F. Other Orders That Should be Entered By the Court Under Rule 26(c) or Rule 16(b) and (c) [F.R.C.P. Rule 26(f)(6)]

None at this time.

1 Dated: October 31, 2007

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4 By: 

Heather S. Orr

Attorneys for Defendants
COUNTRYWIDE BANK, N.A.,
COUNTRYWIDE FINANCIAL CORP. and
NAZIA NAWABZADA

9 Dated: October 31, 2007

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